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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,244	12/20/2001	Paul D. Beuther	KCX-448B (16482, 16483)	9067
7590	12/30/2003		EXAMINER MARTIR, LILYBETT	
Neal P. Pierotti Dority & Manning, Attorneys at Law, P.A. P.O. Box 1449 Greenville, SC 29602			ART UNIT 2855	PAPER NUMBER

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,244

Applicant(s)

BEUTHER ET AL.

Examiner

Lilybett Martir

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luukala et al. (Pat. 4,833,928).

- With respect to claim 1, Luukala et al. teaches an pulse transducer as in element 3 (Col. 5, lines 23-25) for applying a pulse to a web 1 to create a wave in the web as in element 2, at least two laser displacement transducers for measuring the displacement of the web as the wave moves through the web as are elements 8' in combination with element 5, and a computer (Col. 4, lines 60-62) utilized to calculate parameters of the web (Col. 2, lines 30-53). Luukala fails to specifically disclose his utilization of an air pulse producing means in his arrangement to produce the wave in the web. Luukala does teach that it is well known in the art to utilize compressed air blowing means to measure the tension of a web (Col. 1, lines 34-37). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the tension-measuring device of Luukkala et al. by using the knowledge commonly available in the art by utilizing alternate commonly known compressed air blowing means to measure the tension of a

web to therefore produce a burst in a well known way that does not depart from the scope of Luukkala's teachings rendering said device functional under circumstances where a loudspeaker or equivalent would not perform appropriately.

3. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luukkala et al. (Pat. 4,833,928) in view of Nakaoka et al. (Pat. 5,251,491).

- With respect to claim 2, Luukkala et al. fails to teach the utilization of his computer to control his air pulse. Nakaoka et al. teaches the utilization of a processing arrangement, which controls the air pressure of an air pulse being delivered to a measured object (Col. 2, lines 40-49). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the tension-measuring device of Luukkala et al. by using the teachings of the tension measuring device of Nakaoka et al. by controlling by means of a processing arrangement the air pulse to therefore make said measuring device more reliable and accurate by therefore facilitating the production of similar and repetitive testing arrangements decreasing the possible amount of error.
- With respect to claim 3, Luukkala et al. teaches the calculation of the velocity or speed of the web (Col. 2, lines 31-42). It is well known in the art that speed is the first derivative of distance with respect to time and hence the magnitude of a velocity.

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Allowable Subject Matter

4. Claims 4-7 are allowed in response to the amendments submitted on October 2, 2003.

Response to Arguments

5. Applicants amendments raised new issues that made necessary the new art to be applied and therefore, the arguments presented against Luukala et al. are said to be moot due to the new grounds of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilybett Martir whose telephone number is (703)305-6900. The examiner can normally be reached on 9:00 AM to 5:30 PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (703)305-4816. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

CM
Lilybett Martir
Examiner
Art Unit 2855

RCM

EDWARD LEFKOWITZ
SUPERVISOR
EXAMINER
TEF